

**REMARKS**

Claims 1, 3-7 and 9-22 are pending in this application.

By this Amendment, claims 1, 7, 14, 18 and 22 are amended to further clarify the features therein, claims 16 and 20 are amended to incorporate a feature of claim 18, claim 12 is amended to change its dependency, and claims 1 and 14 are further amended to correct typographical errors. Thus, no new matter is added by this Amendment. Support for the language added to claims 1, 7, 14, 16, 18, 20 and 22 may be found in the figures.

The courtesies extended to Applicant's representative by Examiners Kristine Kincaid and Peng Ke at the May 16, 2005 personal interview are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

**I. Information Disclosure Statement**

Applicants filed an Information Disclosure Statement (IDS) on March 19, 2001. As a courtesy to the Examiner, Applicants enclosed a copy of the Form PTO-1449 with the Amendment filed in the U.S. Patent and Trademark Office on April 13, 2004 and with the Amendment After Final Rejection filed in the U.S. Patent and Trademark Office on October 4, 2004. Applicants again respectfully request the Examiner to acknowledge having considered the reference cited in the IDS. Applicants again attach hereto a copy of the Form PTO-1449 previously submitted with the March 19, 2001 IDS and respectfully request the Examiner to initial the reference cited therein and to return the Form with the next communication.

**II. Rejection Under 35 U.S.C. §101**

The Office Action rejects claim 1 under 35 U.S.C. §101 for allegedly being directed to non-statutory subject matter because the claim consists of only computer programs that are non-functional descriptive material. This rejection is respectfully traversed.

Claim 1 is directed to a method of display, not a computer program. Furthermore, under 35 U.S.C. § 101, the Examiner has the burden to establish a *prima facie* case that the claimed invention as a whole is directed solely to an abstract idea or to manipulation of abstract ideas or does not produce a useful result. Only when the claim is devoid of any limitation to a practical application in the technological arts should it be rejected under 35 U.S.C. §101. Further, the Examiner must expressly state how the language of the claims has been interpreted to support the rejection. See MPEP §2106. The Examiner has failed to do this.

Because claim 1 is directed to a method of display and not a computer program, this rejection is improper.

During the May 16 Examiner interview, the Examiners indicated that claim 1 appears to be directed to a computer program because no specific structure is defined in the method claim. Applicants respectfully disagree. Nonetheless, to expedite allowance of the application, Applicants amend claim 1 to include "sequentially displaying, on a display device, plural setting frames." As acknowledged by the Examiners, this amendment to claim 1 overcomes the rejection. Accordingly, withdrawal of the rejection is respectfully requested.

### **III. Rejections Under 35 U.S.C. §103(a)**

#### **A. Miller in view of Berman**

Claims 1, 3-7 and 9-14, 18 and 22 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,661,437 (hereinafter "Miller") in view of U.S. Patent No. 5,845,124 (hereinafter "Berman"). This rejection is respectfully traversed.

Independent claims 1 and 14, 7 and 18, and 13 and 22 respectively recite an operating method, an operating device and an image processing apparatus having an operating device, for sequentially performing settings for plural items in predetermined order comprising,

among other things, displaying the plural items in a single frame of a display when one of the plural setting frames is displayed, wherein items which have been already set along with their set parameters, items which are being set along with parameters to choose from, and items which have not yet been set are displayed in the single frame of the display so as to be distinguishable from one another.

As acknowledged by the Examiners during the May 16, 2005 interview, the features of claims 1, 7, 13, 14, 18 and 22 identified above, are not taught or suggested by Miller and/or Berman.

1. **Miller and/or Berman, fail to teach or suggest displaying items in a single frame of a display which have been already set along with their set parameters, items which are being set along with parameters to choose from, and items which have not yet been set being displayed in the single frame of the display so as to be distinguishable from one another, as recited by each of claims 1, 7, 13, 14, 18 and 22.**

The Patent Office acknowledges that Miller does not teach that items which have been already set, items which are being set and items which have not yet been set are displayed so as to be distinguishable from one another. However, the Patent Office alleges that Berman remedies this deficiency. Applicants respectfully disagree.

As noted in the Office Action, Berman discloses "that while on a display screen the symbolic representations of the regions (or fields) previously defined and the region currently being defined can be distinguished by a combination of contrasting colors and/or visual indicators, the embodiments illustrated . . . use three different contrasting shades." See col. 8, lines 1-13. Although Berman discloses being able to distinguish previously defined fields from fields to be defined in a display screen, nowhere does Berman teach or suggest displaying how the fields have been defined, and the parameters for the field currently being defined, and the fields to be defined.

More specifically, Berman may disclose distinguishing a field that has been defined from a field to be defined in a display screen, but fails to disclose, for example, how the field may be defined. For example, col. 8, lines 9-15 of Berman refers to Figs. 6-7 and 8A-8G and merely states that "the network elements depicted by solid bold lines represent the region (or field) currently being defined; the network elements depicted by dotted bold lines represent the parent regions previously defined." However, the elements depicted by solid bold lines, for example, do not include choices for a user to make in order to define the field.

The present claims however, recite displaying items in a single frame of a display which are being set along with parameters to choose from. Berman clearly does not teach or suggest displaying a choice of parameters to define a field. That is, as acknowledged by the Examiners during the May 16, 2005 interview, Miller and Berman, alone or in combination, fail to teach or suggest displaying the plural items in a single frame of a display when one of the plural setting frames is displayed, wherein items which have been already set along with their set parameters, items which are being set along with parameters to choose from, and items which have not yet been set are displayed in the single frame of the display so as to be distinguishable from one another, as recited by each of claims 1, 7, 13, 14, 18 and 22.

**2. Miller and/or Berman fail to teach or suggest displaying all the plural items in a single display**

Nothing in Miller or Berman, alone or in combination, teaches or suggests displaying all the plural items in a single display.

The Office Action references Fig. 2 of Miller as disclosing "displaying all of the plural items in a single display." However, Fig. 2 merely displays a base menu and a navigation path through three hierarchical DVD operational menus. This is not a disclosure of displaying all of the plural items in a single display. In fact, Miller discloses a number of different interface menus in which a user may navigate; Fig. 2 merely is the base menu. For

example, Miller discloses a plurality of different on-screen user interface displays in which one screen allows a user to control operation of a television (see col. 7, lines 26-28), and another screen allows a user to adjust audio characteristics (see col. 7, lines 61-63), etc. See Figs. 7-10. Miller discloses various displays, not a single display wherein all the plural items are displayed.

Moreover, as discussed above, Miller fails to disclose displaying all the plural items in a single frame of a display.

Further, nothing in Berman remedies the deficiencies of Miller discussed above. In fact, Berman teaches away from displaying all the plural items in a single display. Specifically, Berman teaches that "an important aspect of the present invention is that a full or complete network configuration schematic, such as that of Fig. 3, need not be displayed to the user." See col. 7, lines 43-46 of Berman.

### **3. Conclusion**

For the foregoing reasons, and as acknowledged by the Examiners in the May 16, 2005 interview, Applicants respectfully submit that Miller and Berman fail to render obvious claims 1, 7, 13, 14, 18, and 22, and the claims dependent therefrom. Withdrawal of the rejection is thus respectfully requested.

#### **B. Miller in view of Berman and further in view of Shiels**

Claims 15 and 19 were rejected under 35 U.S.C. §103(a) over Miller in view of Berman and further in view of U.S. Patent No. 5,751,953 (hereinafter "Shiels"). This rejection is respectfully traversed. These claims are patentable for at least the reasons set forth above with respect to claims 14 and 18, from which they depend.

#### **C. Fado in view of Miller**

Claims 16, 17, 20 and 21 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,067,084 (hereinafter "Fado") in view of Miller. This rejection is respectfully traversed.

Claims 16 and 20 are amended to include a single frame of a display wherein all of the items which have been already set along with their set parameters, items which are being set along with parameters to choose from, and items which have not yet been set are displayed in the single frame of the display so as to be distinguishable from one another. Thus, claims 16 and 20, as well as claim 17 and 21 dependent therefrom, are allowable for at least the same reasons set forth above with respect to claims 1, 7, 13, 14, 18 and 22. Reconsideration and withdrawal of the rejection are thus respectfully requested.

**IV. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Linda M. Saltiel  
Registration No. 51,122

JAO:LMS/jam

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**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

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